

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7229

Petition of STE/NE Acquisition Corporation to )  
amend its Certificate of Public Good to reflect a )  
name change )

Order entered: 11/17/2006

**ORDER AMENDING CERTIFICATE OF PUBLIC GOOD**  
**TO REFLECT NAME CHANGE**

**I. INTRODUCTION**

On June 14, 1994, STE/NE Acquisition Corporation, d/b/a Northland Telephone Company of Vermont ("Northland" or the "Company"), received a Certificate of Public Good ("CPG") in Docket No. 5717, pursuant to 30 V.S.A. § 231, to provide intrastate telecommunications services throughout Vermont.

On October 18, 2006, the Company filed a petition ("Petition") with the Board requesting that its CPG be amended to reflect a change in corporate name to FairPoint Vermont, Inc. ("Fairpoint"). As part of its Petition, the Company also filed an amended certificate of authority from the Vermont Secretary of State changing the Company's corporate name to Fairpoint.

On October 27, 2006, the Vermont Department of Public Service ("Department") filed a letter with the Board recommending that the Board approve the Company's request. The Department states in the letter that it is unaware of any adverse consequences that may result from the corporate name change. Further, the Department recommends that the Board approve the Petition without the need for hearings or investigation.

The Board, having reviewed the Company's Petition and the other materials it filed, agrees that an amended CPG should be issued. As a result, newspaper publication is not required prior to issuance of the amended CPG. 30 V.S.A. §§ 102(a), 231(a).

Based upon the Company's Petition and accompanying documents, the Board makes the following findings.

**II. FINDINGS**

1. The Company was issued a CPG on June 14, 1994, in Docket No. 5717, to provide telecommunications services in Vermont. Petition at 1.

2. As of October 18, 2006, the Company had received and filed with the Board all documents necessary to effect a corporate name change to Fairpoint. *Id.* at 2 and Exhibits.

3. The proposed name change does not involve any change in ownership or the business practices of the Company, nor will it have any impact upon the services provided to the Company's customers. *Id.* at 2.

4. The change in corporate name is consistent with a tradename currently used by the Company in Vermont and is, therefore, unlikely to cause customer confusion. *Id.* at 2-3.

### **III. DISCUSSION**

30 V.S.A. § 231(a) provides that the Board may amend or revoke any CPG for good cause, after an opportunity for hearing. Since there is no controversy surrounding the Company's name change, it follows that good cause exists to amend the Company's CPG to reflect the new name of the holder of the certificate. Because the Company's new corporate name is consistent with a tradename already being used by the Company in Vermont, the change is unlikely to cause customer confusion. As for whether a hearing is necessary, we conclude that it is not. First, there is no genuine issue of material fact as to whether the Company's CPG should be amended and, consequently, under V.R.C.P. 56, a hearing is unnecessary. Second, the petitioner has asked that the CPG be amended, and the DPS has recommended that the Petition be approved without hearing. Finally, 30 V.S.A. § 231(a) requires only the opportunity for a hearing, thus acknowledging that a hearing is not always necessary prior to amendment.

### **IV. CONCLUSIONS**

1. The CPG held by Northland, should be amended to reflect the new name of the certificate-holder: Fairpoint. 30 V.S.A. § 231.

2. The Company should file an amended tariff with the Board that reflects the Company's new name, within 30 days of issuance of its amended CPG.

### **V. ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The Certificate of Public Good that was issued to STE/NE Acquisition Corporation in Docket No. 5717, on June 14, 1994, shall be amended to reflect the new name of the holder of the certificate: FairPoint Vermont, Inc.

2. The Company is authorized to conduct business in the State of Vermont using the tradename of FairPoint Communications. If the Company intends to do business in Vermont under a name other than the name in use on the date of this Order, it shall file a notice of the new trade name with the Clerk of the Board and the Vermont Department of Public Service at least 15 days prior to commencing business under the new trade name.<sup>1</sup>

3. The Company shall file an amended tariff with the Board that reflects the Company's new name, within 30 days of issuance of its amended CPG.

DATED at Montpelier, Vermont, this 17<sup>th</sup> day of November, 2006.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: November 17, 2006

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*

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1. For a corporate name change, see 11 V.S.A. § 4.01 and 30 V.S.A. § 231. Petitioner may wish to contact the Clerk of the Board for assistance.